WAS IT A MURDER?

- warmaning A WESTCHESTER COUNTY SENSATION

Enspected Poisoning-Mysterious Death of a Germe'n Five Years Ago-Running a Boulevard Through a Cemetery-What the Grave Disclosed-A Case That Calls for Official Action.

A mystery, over which the silence of the grave has kept watch for nearly five years, and on which hinges a strong belief that foul play was practised toward a too confiding husband by his erring wife and her paramour, has, under circumstances of a peculiar nature, again been revived in Morrisania, Westchester county, where the ghastly details of the case are at present being discussed and commented upon with an earnestness which has become almost universal in that community.

It seems that in the summer of 1856 a German

named John Witzell, who kept a lager beer saloon at Mott Haven, near Heriem bridge, died rather suddenly, and amid surroundings of such a suspicious nature as to warrant a general belief in the neighborhood that

HE HAD BEEN POISONED.

At the time of his death Witzell had, through industry and judicious speculation, accumulated property to the value of about \$20,000, which has since appreciated to perhaps more than double that sum. As a result of his prosperity the deceased visited Europe during the fall of 1865, leaving his wife to carry on the business during his absence. Before leaving, however, he rented a large room over his place of business to a party named Heary Wagner, a married man whose Samily lived in the vicinity. The spring of 1866 witnessed the return of Witwell, who was not long in ascertaining that his transatlantic trip was the great mistake of his lifetime. During his absence an improper intimacy sprung up between his wife and Wagner, which furnished ample food for the scandal-loving gossips of the village, and of the existence of which It is stated that the deceased, after his return home,

It is stated that the deceased, after his return home, had proof strong as Holy Writ. As a consequence of this cutrage on the domestic peace of THE BOOMED RUSAND, perpetual arrie reigned at his dreside; while to augment his misery, the faithless wife made no secret of her pyelerence for Wagner, who, despute Witzell's protestations and the indignation of the community, still continued to cut at his table. On the day preceding Witzell's death he visited New York and dri not arrive home until late in the evening, when, it is stated, he was received with

A VOLLEY OF ARIUSE
from his decidedly interior half. Supper was prepared for him, of which he partook without any unistant checurstance transpling, except that he made a remark about his ten being very sweet. Shortly atterward deceased complained of intense pains in his stomach, and eagerly entreated that a

united a remark about his ten being very sweet. Shortly atterward deceased complained of intense paths in his stomach, and engerly entreated that a doctor might be sent for. Whether his request was computed with or not is still a moded question, but certain it is that

WITZELL DIED IN A FEW BOURS.

It was given out at the time by the wife and her "admity" that the services of a physician were procused, and that deceased had died of cholera. This report was regarded by a few as being highly probable, several cases of enoiera having occurred in the village at that time. A majority of the enigens, however, discredited the story, and some of them suggested to the then acting coroner the propriety of investigating the matter; but it is not improbable that Wagner furnished a physician's certificate as to the cause of death, and this may have allayed the apprehensions of the orbical indicated, who was, perhaps, not over anxious to enter the precincts of the dreaded discase. The remains of the much abused husband were deposited in the Bensonia Cemetery at Morrishala, and as time rolled on the

MYSTERIOUS CHROWSTANCES

attending his decease were fast taking from the halinds of the critices until a tew days age, when an event occurred which has revived with increased cogency the supplicions entertained at the time of his death An act of the Legislature having sanctioned the opening and laying out of St. Ann's avenue and Carr avenue, in the town above named, it was found necessary to appropriate a portion of Bensonia Cemetery. Accordingly a protracted notice was given to the effect that all bodies remaining unclaimed by friends after a specified date would be removed to Woodlawn Cemetery at the expense of the town. It so happened that the undertaker employed by the Commissioners to transfer the unclaimed retains was the same person who buried the body of Witzell, and, prompted by curissity to look upon what was left of the deceased has the firm of the feet that the labeled one of the local physicians who was passing, and

ing, and on

OPENING THE COPFIN

they found the body in a perfect state of preservation, while the limbs were fast passing through the
process of decay. Since then the excitement among
the citizens has been miense, many regarding the
state in which the body of deceased was found as
admittant evidence that poison had been administered.

side in which the body of deceased was found as additional evidence that poison had been administered.

It should be here stated that the wife of the deceased left the neighborhood in company with Wagner shortly after the death of her husband, Mrs. Witzell having first leased the property. Wagner, who, it is asserted, abandoned his wife and enhance, and generally accompanied her to this place at stated periods, when she comes to collect her rents. On hearing that Mrs. Witzell was in the village yesterday, Coroner Bathgate requested, through a messenger, that she would call at his office. She did so, bringing wagner with her. During a conversation, in which the Coroner Intimated that an inquest might possibly be held on.

This iterative of Her Dead Husband, she did not mainfest the slightest concern, telling him to "go ahead" if he felt so disposed. She also alluded to the rumors of poisoning and appeared saxious to ascertain who had been bringing the matter before the Coroner. Wagner intimated that they had had a certificate from two doctors selling forth that deceased had died of choiera. The benefits mooted in the minds of the people that Witzell did not die a natural death, and it is being eazerly pasked was the authorities do not commence a morrough investigation of the anarr.

THE ANNIVERSARIES.

New England Labor Referm League.

The New England Labor Reform League opened the anniversary ball last evening, in Cooper lasts tate, with a discussion of the question, "Are trade unions as now organized injurious to the laboring plasses?" Mr. E. H. Herwood, of Princeton, Mass took the affirmative of the proposition, and quoted from bylaws and transactions of unions to show that as at present organized they are a mono-poly which is not only injurious to the workingmen, but to the entire country. Their proscription of non-society men and their constant plottings against capital were denounced, and it was shown that until they recede from their exclusiveness they cannot hope to prosper, because their slinke and advances of wages continually enhance the brice of good-, and hence array other classes against them; and it is impossible for any hour relepanty long to survive and carry such a dead well on its shoulders. It was also shown by Mr. E. wood, from statistics gathered by Mr. Walk Almasa Parker and others, that though the price labor had advanced fifty per cent between 1800 a whenever they pleased, but he comed their right to later few with other who may desire to take their places, or to harms a manufacturer in the conduct of his business. He insisted on the principle of numan rights being a chaowinged and not alone trade union rights. He welcomed the Calnose to inscendingly, and was very whing to give them the bathet after it had been bestowed upon intelligent radical woman, and then he felt sure that the radical woman, and then he felt sure that the radical woman, and then he felt sure that the radical woman, and then he felt sure that the first a cery about existence. About eight per cent of the whole people at present own one-aair the property of the commy and this is chiefly gathered into cities, and, he believed, chiefly owing to the training of trade unions and other monopoites, which must be put down for the good of the nation.

M. M. Druby took the negative of the proposition and traced the history of trade unions and showed what they had done to raise the price of labor and to improve and clevate the consistent of the workingmen. He assumed that some features of their discipline and organization needed amendment, but on the whole they had proved beneficial to the laboring classes. And besides trade unions are the only means the workingmen have of resisting the elemands and energe energe of capital apon their

inboring classes. And besides trade unions are the only means the workingmen have of resisting the demands and encroachments of capital upon their

Mr. Haywoon briefly responded, after which the debate closed for the evening. It will be continued by others this atternoon and evening at hatf-past two and faul-past seven o'clock P. M. in the same had, and to-morrow the League will keep it up all day in Tummany Hall.

A WARNING TO HORSE CAR DRIVERS.

Yesterday afternoon a man named Henry Banhorn, employed as driver on one of the Union Hill. N. J., horse cars, was driving his team in a reckless and dangerous manner through Washington street Hobeken, while he was in a state of intextication, several passengers protested against his conduct, and when he was passing the station house he was arrested by Sergeant Ringe. On being taken perform Recorder hounded he was since flacen dollars for driving while under the indirecce of flavor.

MUSIC AND THE DRAMA.

DAN BRYANT'S .- Thanks to an exceptionally bright and attractive programme, this popular minstrel hall continues to draw full houses.

The first part of the programme includes some excellent comic and sentimental songs.

Newcomb & Arlington's Opera House.—This charming little minstrel hall, at the corner of Twenty-eighth street and Broadway, is already an immense success, and evidently supplies a long-felt want. The programme is a very good one and— most wonderful thing to be said of minstrelsy—comprises some really original features, especially in the way of repartee and jokes.

Henry Tissington, the regular leader of the orhestra of the Grand Opera House, has a benefit there on Saturday, May 13, which promises to be a grand affair. In addition to the opera bouffe comgrand afair. In addition to the opera bodge com-pany he has secured an orchestra of 100 musicians. Eoward Molicohauer, Wehit, Eben, J. R. Thomas, Eila Wesner and the Hess children.

"Neck and Neck" will be produced at the Globe theatre, this city, on Jane 5, by E. T. Stetson. Colonel T. Allston Brown has already secured for the piece the following people:—Mrs. Fred Meck, Milton Raimford, John Walsh, George Charles, Mrs. M. E. Eurroughs, J. Leslie Gossin, Elizabeth Andrews, Mr. Boynton, G. C. Davenport, Marie Bonlface, J. M. Charles.

Mathees Te-Day.

Mr. Charles Mathews will appear at the Fifth Avenue in "The Critic" and "A Thousand a Year." The last matinee of "The Liar" and "Americans in Paris" will be given at Wallack's. At Booth's the grand romantic play of "A Winter's Tale" will be presented in all its variety and splendor. The last matinée but one of Augustine Daiy's vivid picture attraction at the Olympic. The opera of "Iraviata" will be repeated at the Academy of Music. Hervé's "Le l'eut Faust" is the attraction at the Grand Opera Rouse, "Pluck" will be presented for the last time but one at Lina Edwin's. Matinées will also be given at the Globe, Comique, Wood's, Bowery, Tony Pastor's, Bryant's and Newcomb & Arlington's Minstrels, Japanese at San Francisco Hall, and Park, Brooklyn,

In the Provinces.

Miss Nilsson met with the same success in her Southern tour that she has found everywhere else. Edwin Adams is playing a successful engagement

Lotta made over \$15,000 in her recent six weeks engagement at Philadelphia.

Miss Jane Coombs, supported by Mr. Frederick

Robinson and a full company, is playing at the Pittsburg Academy of Music.

Mrs. Chanfrau has declined a re-engagement at the Globe Theatre, Boston, and it is rumored that she will "star" it next season.

Frank Roche is said to be engaged as leading man

Mrs. Conway's new theatre, Brooklyn, for the John L. Half's burlesque trouge performed in Taunton, Mass., April 22, and was announced to re-main the 24th.

Taunton, Mass., April 22, and was announced to remain the 24th.

The new Opera House, Rochester, N. Y., is announced to be opened on May 10, under the management of Thomas Carr. The English Opera Combination will be the opening attraction.

Ben De Bar has concluded to manage the St. Charles theatre, New Orleans, next season himself. He secured what he thought to be a competent party to manage it this last season, but one season appears to have suited Ben, for we are informed that he intends to give it his personal supervision, in conjunction with als opera house in St. Louis. Ben is managing the Theatre Royal, Montreal, this summer. Mrs. D. P. Bowers, John Collins, Little Nell and many of the most popular stars of the day will appear.

Mr. Charles Ford, son of John T. Ford, manager of the Holiday street theatre. Retting the Holiday street theatre, Baitimore, sailed from Baidimore on April 26 for Europe. Young Mr. Ford left the University of Virginia (where he was educated at the close of the session of 1870, and during the fall vis fed most of the principal cities of this country, noting the workings of the opera houses and theatres. He now visits England and Europo with the same purpose in view, besides making some arrangements for the first season of the new opera house in Baltimore.

FANNY JANAUSCHER .- An offer has been made to FANNY JANAUSCHER.—An offer has been made to this distinguished actress by one of the leading managers in London to play some of her principal characters in that city this summer, the terms being one hundred guineas for each performance. It is not decided yet whether she will accept the offer. She will appeal the summer likely at a watering place in Switzerland and return to New York early in the latt to fulfil the numerous engagements which have poured in from all parts of the country to her business manager, Mr. Phiot. Mile. Janauschek has added three new plays, expressely written for her, to her repertoires.

The following is the richest territogent, our expect

to her repertoires.

The following is the richest "criticism" out as yet. A Western journalist compares Nilsson to the "veni e di Medici," and says that her notes fell on "the tendrils of his heart? like "the bubbling music of distant waterfalls on a bed of smashed roses," She came "like a gush of bright sunshine," and when she sang "flome, Sweet Home" the dizzled critic let like "pullding a castle of alabaster and gold, surrounding it with ranbows, shutting it in with gates of pearl and moonshine, and embowering it with rose," and then presenting it, with his complaments, to the song-bird. He didn't do it, though. If we are correctly informed, what he really did was to slip quietly round the corner and stand on his head.

The engagement of Miss Ella Burns, at the Wal-

The engagement of Miss Ella Burns, at the Wal-The engagement of Miss Ella Burns, at the Walnut, Philadelphia, last week, developed the fact teat
she is endowed with considerable histrionic ability,
which needs only time and application to develop
mto dazzling and effective funiess. Young, handsome and accomplished, and with decided genius
for the stage, if she is but true to herself she may
win a proud name in the ardious profession she
has chosen. Her Lady Elizabeth, in "Frwixt Axe
and Crown," was, in the main, forcibly presented,
although the part, and indeed, the play liself, generally, is nothing remarkable. It is "talky" in the
exticine, and at times thresome. She was much
more successful as Julie, in the rilay of "Richeleu,"
which was given for her benefit on Friday evening,
it was well conceived and admirably acted, and in
the more passionate scenes was especially commendable.

A new comedy from the pen of Mr. Bernard H. Dixon, the author of "Behind a Mask," new being played at the New Royalty, has been accepted at one of the West End theatres, London.

It is a curious fact that most of the great musical composers have been cutdless. Handel, Haydn, Beethoven, Corelli, Pergolese, Rossini, Spontini, Auber, Wagner and Schumann are among the

gs will again cross the Atlantic as one of a con-party, comprising Madame Patey and Mr. fley. Mr. Cammings sings next week at the A new cantata by Mr. J. L. Rocckel Is announced for performance of the contract of the contrac

or performance at the Crystal Paince. This is the rst work of importance from this composer that as been brought out in London, but he has a good roymetal reputation for his cantatas "Ruth," At Oberaumergan the performances of the Pas-

ston Pays, or Mysteries, interrupted hast year by the war, wid be resumed and continued on the 24th of June; the 2d, 9th, 15th, 25th and 25th July; the 6th, 14th, 25th, and 15th August, and the 3d, 9th, 17th, and 24th September.

Mac. Pauline Lucca, who suffered so severely from a throat attack on her last visit to St. Petersburg, has been unable to resist the templation of the honorariam of 2000 for a single month offered by signor Mercil, the present impresario of the Italiah Opera House. The subject of M. Gounod's original composition

for the opening ceremony of the International Ex-hibition of 1871 is the 157th Psalm. He has chosen the Latin version. Mr. Arthur Salityan's production on the occasion will be a cantata on the Moorish subject, the words of which have been supplied by Mr. Tom Taylor. The King's Cross theatre, London, we are told,

has been bought by a society of gentiemen, having for objects to make this small house a model theatre, "where new authors, unknown artists, or foreign artists will always be able to gain a first appearance and hearing," something after the plan of the Athene, Paris. Among the first productions will be a comedy called "Lilian's Love" and a burlesque, "The Grand Duke of Camberweit."

THE PHILMARMONIC SOCIETY-TUDENESS OF ITS OFFICERS. TO THE EDITOR OF THE HERALD:-

I have been a subscriber for ten years to the Philharmonic concerts, and as a regular attendant am not unknown to the officials, who are supposed to care for the patrons of this society on the occasions or its rehearsals and concerts. Last fall I bought and paid for the course ticket for the present season. On going to the Academy of Music last Friday to attend the rehearsal I carried, by mistake, wrong ticket with me. When I arrived at the door it was too late to rectify my error by going home for the right one. I explained the chromatances at the door, but was denied admission. A rude person who holds the office of treasurer of the society was especially insolent in refusing me what, it not under the circumstances a legal right, was certainly a privilege to which a subscriber was entitled, that of hearing the music that I had paid to hear, and that this person knew I had paid to hear, and that this person knew I had paid to hear. charge of late. I that that others who have suf-fered at its hands will seek the same remedies that I have recourse to—First, publicity in the columns of your valiable paper, and second, a strict re-tural to buy, in Intare, the tickets of a society whose success has made it inspient. LANTERN, NEW YORS April 22.

THE COURTS.

Important Question in Fankruptcy-The Case of the Recalcitrant Juryman-A Case of Restriction-Contempt Case-Decisions-Business in the General Sessions.

A Patent Suit. Before Judge Benedict. In the case of Rachel Everle vs. Charlotte Gaynor, which was a suit brought for infringement of a patent for a ladies' stocking and garter supporter, there was a verdiet sustaining the patent and awarding two dohars damages for the infringement.

UNITED STATES CIRCUIT COURT.

UNITED STATES DISTRICT COURT.

The Death of Judge Boynton. After the proceedings in the case of the United States vs. Lilienthal, which is yet unfinished, had been disposed of for the day, Mr. Simons, United States District Attorney, moved the adjournment of the court out of respect to the memory of Judge Boynton, of Plorida, whose death has been an-

nounced.

Mr. Scudder seconded the motion.

Judge statenford acquiesced in the motion, and directed the clerk to make an entry of the cause of the adjournment upon the minutes, which was accordingly done.

UNITED STATES DISTRICT COURT-IN BANKRUPTCY. Important Question Affecting Mutual Debts.

Before Judge Blatchford. In the Matter of Petrie & Co., Bankrupts .- This case came before Judge Blatchford on an agreed statement of facts, which were as follows:-The Central National Bank are the owners of a draft amounting to \$3,500. It was drawn by the Beaver Brook Manufacturing Company on the firm of Petrle & Co., and accepted by the latter. This draft was protested for non-payment at the time of its maturity, which was on the 14th February, 1870. At and before the time of this protest Petrie & Co. kept an account in the Central National Bank, and had been In the habit of depositing money in it and drawing out the same; and there was, at the maturity of the draft, due from the bank to Petrick Co. \$395 44, which was deposited on or before February 5, 1879, in the ordinary course of business; but the bank then had no knowledge of the insolvency of that firm. Four days after the deposit in question Petric & Co. failed. Upon the maturity and protest of the draft the bank appropriated the \$395 41 to the payment of the draft for \$3,500. About a month afterwards proceedings in bankrupter were commenced against Petric & Co. The bank alleges that under section 25 of the Bankrupt act "the draft and deposit were mutual debts, and that they had a right to set off one against the other, thereby reducing the amount of said draft to \$3,164 5s." The assignee ciains "that the sald funds so deposited belong to the estate of the bankrupts, and that in respect to the same the bank was acting as trustees; that they had no right to set off any part of their deet against the same." Judge Bintehford holds that the bank had a right to set off the debt, and that they should not pay over to the assignee the amount of said deposit. in the nabit of depositing money in it and drawing

COURT OF OYER AND TERMINER.

Brief Session and Very Little Done. Before Judge Cardozo.

This court met yesterday morning, but the session was very brief. Samuel Dugan, aged sixteen, pleaded guilty to

stealing a gold watch. Sent to the House of Refuge.

Thomas Williams pleaded guilty to burglary and Eugene Glass to grand larceny. Their sentences were deferred to next Monday, to which time the Coart adjourned.

SUPREME COURT-SIRCUIT.

That Jaryman Who Went Back on His Verdict. Before Judge Van Brunt.

Willis vs. Weaver .- The case of the recalcitrant inryman, Samuel H. Cornell, was called up again authorities and both sides passed up their affidavits, but containing no facts additional to those hereto-lore published, when the Court reserved its de-cision. to-day. The juryman's counsel submitted some

SUPREME COURT-CHAMBERS. Decisions. By Judge Ingraham.

Osborn vs. Gore et al .- Motion granted so far as to allow defendant to put in an answer and have trial. Judgment and execution to stand as security. Defendant to pay costs, &c.

By Judge Cardozo.

Samelson vs. Dennis.—Addion denied.

SUPERIOR COURT-SPECIAL TERM. A Breach of Promise Case. Before Judge McGunn.

Amelia Oppenheimer vs. Charles Peters.—The plaintiff seeks through the Court to obtain \$3,000 from the defendant, for alleged breach of promise of marriage. She tells a rather curious story. She dressmaker and poor. A few who told her his name was Max Wiel, and that he also was descended from the predecessors of Pharaoh's hosts in the crossing of the Red Sea. He made love to her, promised to marry her, and under this promise accomplished her ruin, and then would not fulfill his promise. She instituted the present sult, and on the 21th of last month, becoming satis' fied that he designed leaving the city, she procured fied that he designed leaving the city, she procured his arrest and lodgment in Ludiow Street Jall. The case came up on a motion to vacate this order of arrest. Counsel for the defendant recited a touchingly lacrymose story about the defendant, who, it appears, is a fat and fair butcher-boy, of four and twenty summers. He sad that he was without means, that his acquaintances are all poor, that it is utterly impossible for him to procure the ball necessary for his release from jail, and further, that ne is now ready to marry the girl.

"Bring them both here and I will marry them at once," said the Judge, seeing, as he thought, a prompt and edicient way of settling the mater.

"But she work marry him," exclaimed the plaintiff's lawyer.

"But she work hardy in the Judge, astonished.
"How's that?" asked the Judge, astonished.
"This detendant is something more than a gay deceiver," answered the rawyer, and he went on to explain now the deponent, whose real name is to a Jew, but could not, and how she so the roughly despised him now that she would not marry him under any circumstances. After listening to the counter anidavits and the counter arguments of the opposing lawyers the Court took the papers, promising to give a speedy decision.

Kept on the Limits for Eleven Years-A

In the Matter of the Application of William Grore .- in 1800 the Hudson River Railroad Company obtained a judgment for \$150 against Mr. Grove. Since then Mr. Grove, under each incoming Sheriff, has been obliged to give bonds not to leave the city. Having a Shylock estimation of the deep solemnity of a bond he has never, within the past eleven years, left the city, but remained here with Casabianca fidelity. Mr. H. C. Dennison, his lawyer, took advantage, or rather the benefit, of the misoivent law called the Fourcen Day act, and thereupon the Court, seeing the facts of the case, ordered lar. Grove's discharge from the indement. Mr. Grove's discharge from the judgment.

Decisions.

Harsen vs. Harsen.—Order granted. Overbeck vs. Fairbairn.-Same. Ball et al. vs. Fullerton .- Same De Long vs. O'Brien.—Same Schuefer vs. O'Brien.—Same. Marks vs. Jacobs.—Mouon denied, with ten dollars

Augerot vs. Darling et al.—Order vacaling order to show cause. Augeror vs. Ross.-Motion denied, with ten dollars

SUPERIOR COURT-TRIAL TERM-PART I.

Nice Point as to an Insurance Policy. Before Judge Monell. Duncan Mccall and Samuel G. J. Firth vs. Har-

ony Fire and Marine Insurance Company .- In November, 1864, the plaintins effected an insurance for \$5,000 in the defendant's company on the bark Sinto. A month later the vessel was lost and ntierly destroyed at a port at Cape Breton. The defendants refusing to pay the insurance a suit was brought to compel the payment. The defence is that the insurance was between this port and a port at Cape Breton, and that the vessel stopped at two ports at the latter place and was destroyed at the second port, and that by going to the second port the policy was violated. The case has been tried before. After the jury had taken their seats counsel for the plaintiffs asked if any of them had any interest in the defendant's company, and they replied they had not.

we any of the jury," asked the opposing conn-"Have any of the jury," asked the opposing com-sel, "conscientions scruples against giving a verdict against an insurance company?"

No one responded, and their silence was inter-preted into a conicssion that they were not bur-dened with such extreme conscientionsness. There was a seneral laugh, however, at the suggestive in-

terrogatory, which was asked with the utmost

A Conditional Dismissal of Complaint.

SUPERIOR COURT-TRIAL TERM-PART 2.

Before Judge Jones. Sexton vs. Walsh .- This is a suit brought by a 'legatee under a will to compel the executor to pay a legacy of \$5,000 on the alleged ground that all the other legacies have been paid; that there is sufficient money for paying this, and that there is no reason why it should not be paid. A motion was made to dismiss the complaint on the ground that no bond had been tendered to the executor to secure him against any claims that might be brought against him. The Court held that the complaint did against film. The Court heid that the complaint did not contain facts enough to constitute a cause of ac-nion against the defendant, and said it would order a dismissal of the complaint unless the piaintiff with-draws a juror and pays the costs of the term, with leave to apply to the Special Term to amend com-plaint and to put the cause on the equity calendar. Quan & McKeon for plaintiff and Devlin & Trull for defendant.

COURT OF GENERAL SESSIONS. Before Gunning S. Bedford, City Judge. Assistant District Attorney Sullivan conducted the

prosecution yesterday in this cours. A NOTORIOUS FORGER SENT TO SING SING. Isaac Lent, who pleaded guilty on the 3d inst. to forging an order for seven puckages of gold leaf, was

brought up for sentence. Judge Bedford in passing sentence said:-When I saw you yesterday I never heard of you. I was informed by somebody that you could prove good character, and that this was your first offence. Upon that representation I willingly remanded you in order to give you time to furnish affidavits. I hold in my hands letters from respectable firms in this city about you, and I take this opportunity of expressing the hope that all merchants will furnish expressing the hope that as the rectaints will have either the District Attorney or myself with the antecedeuts of nersons arranged for crime, because this information enables me to properly perform my duty. I understand you are a notorious forger, and have defratticed several firms, and I have been asked by respectable gentlements give you the full penalty of the law. I shall send you to the State Prison for five years.

of the law. I shall send you could be shirt fronts five years.

Will am York, charged with stealing shirt fronts worth \$4 50 on the 15th March, the property of Bartlett & Co., pleaded guilty and was sent to the Penntentiary for six months.

EXTENSIVE LEGENY AT THE HUDSON RIVER DEFOT—ONE OF THE ALLEGED GANG OF THIEVES ACCULTED.

ONE OF THE ALLEGED GANG OF THIEVES ACQUITTED.

John Killing, who was jointly charged with Andrew Riley and ' Edil' Byer in being implicated in
a series of extensive larcenies that have been perpetrated from time to time at the Hudson niver Railroad depot, was placed on trial charged with stenling
on the lath of March a bale of carpet and a box of
neckties from one of the freight cars. The evidence
against han was that a police officers was that past
ten o'clock the accused and the other men come out
of a stable near Thirty-second street and Eleventa
avenue and piece in a wagon the above goods.
Killing was not arcessed till a week afterwards. The
policeman positively identified the prisoner as one of
the stand and swore that on this hight Killing was
visiting his brother in West Thirty-third street, and
remained there from eight till eleven o'clock. The
prisoner made the same statement under oath, and
the Jury believed in Mr. Weller's deience—a halloi—
by rendering a verdict of not guilty.

the dary benevou in Mr. Weiter's Genee—a hand-by rendering a verdlet of not gulity.

CRAND LARCENY.

Huga Petzel, who was jointly indicted with Julius Whittaker, charged with burglary, was tried and convicted of grand larceny in stealing from the premises of Henry Eibel, No. 92 Orchard street, on the 22d of March, twelve boxes of cigars. As Mr. Smilivan had four distinct, separate charges against Petzel the City Judge sentenced him to the State Prison for four years. GEORGE HILL, ALIAS COOLEY KEYS, COMMITTED

WITHOUT BAIL.

George Hill, alias Cooley Keys, who is indicted for an assault with intent to kill Mary Burns on the for an assault with intent to kill Mary Burns on the 25th of April, was brought into court. As he failed to appear on Thursday his ball was forfeited. Assistant District Attorney Sullivan moved that the defendant be committed without ball, as he was Informed the case was an aggravated one.

Judge Stuart argued against the motion, claiming that it was only a simple case of assault and batters. Judge Bedford, out of courtesy to the District Attorney, temporarily granted the motion.

BROCKLYN COURTS.

KINGS COUNTY COURT OF SESSIONS.

Before Judges Troy, Johnson and Voorbees, Three young men, named James Kerwan, James Wilson and George Van Wagner, were tried yesterday in this court on a charge of having committed a burglary at the grocery store of Sarah Gaylord, 233 Grand street. It was shown that the prisoners. 233 Grand street. It was shown that the prisoners, one of whom had been arrested for burglary before and escaped from the court room, were seen in the vernity on the night of the burglary at Mrs. Gaylord's. Footprints corresponding with those of the prisoners were found in the yard in the rear of the store. They were found guilty, and the Judge sentenced them to the Kings County Penitentiary for four years, eleven months and twenty-nine days.

UNITED STATES DISTRICT COURT. Auother Decision in Admiralty. Before Judge Benedict.

Charles Kalbfleisch, de., vs. The Bark Ethel, de.-Two actions.

One of these actions is brought by the owners of sel to recover upwards of \$6,000 of freight claimed to be due upon a charter party.

The other is brought by the consigners of the same cargo against the bark to recover upwards of \$20,000 for damages arising from short delivery and deterioration in that cargo. The charter party was executed at Valparaiso February 22, 1870, by the agents of the ship and Bainsworth & Co., of that place. The bark was then on her way to the port of Caldera, laden with cargo deliverable Among other things the charter party provides that the said vessel, being "light, stanch and strong, well and sufficiently manned, stored and victualled, and in every respect fit to perform the voyage, shall, after discharging her present inward cargo at the port of Caidera, proceed to the ports of friquipt and Junia, and take in a full and complete cargo of nitrate or soda in bags." She was then to proceed with all convenient speed to New York. The charterers agreed to pay for the treight on its delivery in New York forty-five shulings per ton. At the time of the execution of this charter party the ship had a crew of twelve men, but when she left Caidera she had only nine, two of whom described at Junia, and the master, unable to navigate the vessel with seven men, proceeded to valparatise to fill up his crew, which he effected. Salling thence for New York the vessel met with disastrons storms, compelling the jettison of a portion of the cargo and a return to valparatise for repairs. These completed she again set sail for New York, but the crew soon after nutfined and forced the master to return to valparatic, where another crew was shaped and avoided meaning where conwell and sufficiently manned, stored and victualled,

Velpara, o, where another crew was shipped and another master put on board, under whose command the vessel finally reached New York and delivered the remaining portion of her cargo.

Upon this state of facts the owners of the vessel claim so be entitled to recover the amount of freight due for the cargo delivered for a general average contribution toward the expenses caused by the dis-

chaim so be entitled to recover the amount of freight due for the cargo delivered for a general average contribution toward the expenses caused by the disasters which ensued after feating Vaiparasso. On the other hand the consignees of the cargo deny any liability for neight or general average, and claim to recover of the vessel all the damages and loss sustained by the cargo after its leaving the port of Junia, upon the ground that the vessel uniawfully deviated from the voyage as provined in the contract by going to Valparaiso.

Judge denedict vesterday rendered a lengthy decision in the case on the facts as above related, conciuding in the following worder—'My conclusion, therefore, is that the circumstances proved in this case do not, eccording to the maritime law, afford a justification for the salure to make the voyage contracted for, and that the consignees of the cargo are entitled to recover of the bark all the loss and damages to the cargo after the vessel sailed from Junia. They cannot, nowever, spirt up their demand for damages, and apply a part of it to offset the ship's demand for the freight, but must suffer a recovery of the bark." (The Water Witen, I Black.) A decree will accordingly be entered in the first named action for the amount of such damages, with an order of reference to ascertain the amount. And in the action of the ship owner, a decree will be entered for the amount of the french, according to the charter party, whin a like order of reference. r party, with a like order of reference.

COMMISSION OF APPEALS.

The following is the calendar of the Commission of Appeals for Monday, May 8:—Nos. 18, 22, 26, 26, 27, 28, 103, 104, 106, 107, 108, 121, 114, 115, 116,

THE AMENDMENT TO THE CODE.

A Barrister on Lawyers' Tongues and Small Fry Reporters. TO THE EDITOR OF THE HERALD:-

The Bar Association have sent a committee to urge Governor Hoffman not to sign a Code Amendment bill. I do not know its entire merits or demerits: but the resolutions passed by the legal gentlemen of the association seem to imply that whatever leading lawyers think about the code amendments-or indeed any laws-is to be accepted by the Governor and community; and as a lawyer of means, experience and I trust, social inflaence, I strongly deny the implication of their resolutions. It is proper that lawyers should put laws into unassailable lan-guage, but the object, fitness and advant-ages of statutes are best pronounced by lavinen in their octitions to the Legislature

and their votes as legislators. If lawyers are to be the best authority for creating objects of legislation as well as for drawing, expounding and deciding them, why all had better join the procession. The fact is, we want laws to protect us from my profession. Then I notice one or two small fry papers back up the lawyers in their sir oracle talk because one amendment is said to infringe on the liberty of the press and give to courts, jurymen, witnesses, dc., rights of protection such as Fuglish courts and the federal courts have power to give. Independent, sole and decently managed newspapers have nothing to fear from any court; and it there is any law before the Governor tending to fetter the license of a lawyer's tongue in court or a small beer reporter of a small fry paper out of court let it be signed.

BARRISTER.

NEW YORK CITY.

Localisms, Minor Matters and Police News.

The following record will show the changes in the temperature for the past twenty-four hours in comparison with the corresponding day of last year, as

The Rev. Samuel Hanson Cox. D. D., will preach in the North Dutch church at half-past ten o'clock to-morrow morning. Daily noon prayer meetings are held in the church, and also every Sunday in the new chapel, No. 103 Fulton street, at a quarter to eight P. M.

The managers of the Five Points House of Indus try are making strenuous efforts to aid the poor by whom the institution is surrounded. They will thankfully receive donations of second hand clothing. Packages will be sent for on notice being sent to 155 Worth street. The death of the wife of Joe Copurn, the pugilist,

was yesterday reported to Coroner Schirmer. Dr. Hodgman was called to see Mrs. Coburn, at her residence, 200 East Fortieth street, a few minutes before she expired, and found her suffering from convulsions, but refused to give a certificate. James Taylor, forty-two years of age, and bor 1 in

England, was a lodger in the Fourth precinct station house on Thursday night. At one o'clock yes-

House-The Mysiery of the Morgue Probably Explained. The singular circumstances, so far as known, sur-

rounding the sad suicide of a beautiful woman, a temporary solourner at the Stevens House in this city, have already been given to the public in the HERALD. Subsequent to the Coroner's inquest the body was removed to the Morgae, at Believue Hospital, where it still remains for want of identification. Some facts have recently been discovered by an attaché of the HERALD, which may possibly explain the mystery of the unfortunate woman's identity. Observing the paragraph descriptive of the suicide, a gentleman now stopping at a hotel in Newark, where he lay maisposed, stated to the HERALD reporter that he was sure he knew who the self-murdered lady was, but he did not desire any publication of the matter until his beilef was realized. He said he feared she was a lady named

HOFFINGTON, NOT PARRINGTON. as reported before. Mrs. Hoffington was a resident of Brooklyn, who had had a great deal of trouble in her domestic relations. She was treated, he said, in a shameful manner by her husband. About six mouths are the gentleman above abuded to boarded at the same house in Brooklyn with her and her husband. One morning, missing her at the breakfast table, he asked the husband where she was. The latter replied, "Well, I guess she's no status; they say she took caloroform, and if she drill don't care at d-n:

SHE DESERVES TO DIE."

SHE DESERVES TO DIE." The gentleman rushed up stars and into her room. Hy dint of great perseverance and attention he restored her from the inextlable sleep of death. Sure enough, she had taken chiereform, and at first, and coming consciousness, found lengt with her Sure enough, she had taken chloreform, and at first, on gaining consciousness, found fault with her saviour. She was thred of living such a first saviour. She was thred of living such a fire she said. After this her affairs grew worse, if possible, and a divorce was applied for. Where she was living was to have been broken up on the 1st of May, and the gentleman already spoken of tearsthat in a fit of irenzy she had hurried herself out of the word. All the reported circumstances and description induce him to believe that she and the lady of the Stovens liouse mystery are one and the same person. The stinkinity of name and personned of the smiddle seem identical. He said that if it was Mrs. Hollington there would provably be found on her third tinger a piain gold ring, with the inscription, "FROM J. J. O. TO J. E. II."

There would also be found a seal ring, with a dark green stone. If the suicide should prove to have been her he said she was a hady of straining personnia appearance and most graceful in manners, as well as refined and calify ated in mind. Her connections were of the highest respectability, her father being now a large landed proprietor in New Jersey. His further description of her was that she was about five feet two and a half indices high, with small feet and hands, and dark haw expenditor almost to her

were of the hypers respectsorm, her latter telling now a large landed proprietor in New Jersey. His farther description of her was that she was about five feet two and a half inches high, with small feet and hands, and dark hair extending almost to her knees. She was above the necessity of working for a living without any assistance from her husband or relatives.

SENTENCE OF DEATH COMMUTED BY THE PRESIDENT. Case of Charles Parene.

It will be renormbered that in a recent term of the United States Circuit Court in this city Charles Pur-

due was convicted before Judge Woodruff and a

jury of the crime of setting fire to a ship on the high seas, at a distance of 20) miles from land. He was manimously recommended to mercy by the jury. The facts must be fresh in the recollection of the

The facts must be fresh in the recollection of the public. Purdue was soon after his conviction sentenced to death by Judge Woodruff, and the 12th of this month was named for his execution. Strong appeals were made to the President to spare the life of the convict. The recommendation of the jury, a petition from the mnaistants of orange, N. J., numerously signed, and representations from the owner of the vessel and other sources, have inclined the President to the side of mercy, and a letter indicating the President's desire to spare the man's life was received in town yesterday. The letter announces a commutation of the death sentence to tweive years' imprisonment, it is worthy of remark that the conviction of Purdue for the offence charged is the first that has taken place under the law of Congress of 1780—the only law, we believe, on the statute book applicable to the crime for which Purdual was tried and convicted.

THE ERIE RAILWAY WAR.

RUNT AFTER FACTS AND FIGURES.

Extraordinary Ignorance of Eric Officials About Erie Affairs.

The reference before Mr. Kenneth G. White, the Master, in regard to the 60,054 shares of Erie stock claimed by Heath and Raphael, the English shareholders, to be their property, was resumed yester day. Mr. Southmayd made an energetic hunt after facts and figures concerning the stock in question, and elicited the fact that the auditor of the Eric Company did not know, as he swears, of the issue of the convertible bonds for \$3,900,000 until he saw a statement to that effect in the newspapers.

Mr. Southmayd and Mr. Tweed appeared for the English shareholders, and Mr. Beach, Mr. Morgan and Mr. Lane appeared for the Eric Company. TESTIMONY OF THE AUDITOR.

Glovanni Morrissini was the first witness examined. He testified as follows:-I am the auditor of the Eric Railway Company, and have been such since February 11, 1870; I keep the general books of account-the fournal and the ledger: there is a cash book; it is kept in the treasurer's office; the accounts of the transactions between the Eric Railway Company and Willard, Martin & Beach are kept in the ledger; I did not know in December and January last that two convertible bonds had been issued by the company: I first saw an account of their issueone for \$2,000,000 and another for \$1,000,000-

I the newspapers; I did not know in December and January that 30,000 shares of new stock had been issued; I first heard of such issue from the newspapers since this inquiry began; the ledger is posted by one of my clerks from my cash book, but I supervise it; this book, which is called "The Tickler," contains an account showing the money paid by the company to Willard, Martin & Beach in December and January, 1871; it is the original book kept at the time; I produce the ledger showing the sums of money paid to Widard, Martin & Beach from De-

Bagiand, was a lodger in the Fourth precinct situation house on flurrisday night. At one which yes the book of money and the sone house an investigation of the same period; the same sequential yalor had another fit and died soon ancewards. Coroner Scattmer was autified to house an access that the same period; the oils no early along the same sequential yalor had another fit and died soon an access Market, yesterday, on complaint of Henry Merz, of No. 7 Pell street, for robbing him of trunt, containing clother same period; the oils no early in any book of the company in my department showing that it received a trunt, containing clother same yes the same period; the oils no early in any book of the company in my department showing that it received a trunt, and tutters was held under sate of the convertible books of account; the failure and trunt, containing clother same period; the oils no early and the proceeds of the same period; the oils no entity in any department of the same period; the oils no entity in any department showing that it received a trunt, and tutters was held under sate of the convertible books of the convertible to one of the convertible books of the convertible to one of the convertible books and the convertible books and the same of the convertible books of the convertible books and t

firm of Willard, Martin & Beach; when the books were closed in February last 9,730 shares stood to his credit; in December, 1870, 2,500 shares were also issued to E. K. Willard & Co., on account of convertible bonds, and at present 10,590 snares remain to his credit; 2,590 shares issued at the same time to Willard, Martin & Beach

issued at the same time to Willard, Martin & Beach are credited to the same source, as are also 2,500 shares issued to Forrest, Willard & Co.; 6,500 shares issued in the latter part of December, 1879, and 500 shares issued in January, 1871, to William Heath & Co. are credited to convertible bonds.

Q. Is James H. Coleman credited with any stock?
A. Under date of September, 1870, James H. Coleman, as receiver, is credited with the stock claimed by heath and Raphael, and the actual entry of the transfer in the transfer book took place a day or two afterwards, certainly before the election, which was on the 12th of October. Mr. Coleman voted on this stock at the last election.

this stock at the last election.

O. For whom did he vote—the ticket including Fisk and Gould? A. I cannot say as to that; I Mr. hearn-I object to the witness stating what

The Master—Proceed.

The Master—Proceed.

Witness—All the votes cast at the last election, with the exception of a row, were given in rayor of

The reference was further adjourned till Monday. Fi k, Jr., and the Union Pacific Railway

Company.

The suit of James Fisk, Jr., vs. The Union Pacific Ramoad Company, the Crédit Mobilier of America and others, is removed from the State Court to the United States Circuit Court. Yesterday Fisk filed United States throut Court. Yesterday Fisk filed in a canended bill in equity in the United States Circuit Court. The bill prays that the establishment and management of the Credit Mobilier of America by the directors of the Union Faculte Railway Company, he declared a fraud; that all the arrangements and contracts made between these parties he set aside as fraudalent, and that the Cinon Pacific Railway Company be restricted from receiving United States coals and grants of land, and that the same be taken by a receiver appointed by the Court.

JUVENILE BERRAVITY IN JERSEY.

A Sad Chapter of Bomestic Miscries. About a year ago John Bannon, a boy about twelve years of age, was before the Mercer county judges, in Treaton, N. J., on a charge of stealing. Scatence was suspended, on the promise of the father that he would send the boy to school and look after him. Last summer the mother of the boy committed suicide by jumping into the river Delaware, and before clide by jumpling into the river belawars and before she died was seen to kneel down, say her prayers and bow her head. Then sie rose, leaped from the pler of the rolling half and soon was in elevative. The boy, whom the lather premised to look after, has been neglected, and on Thursday last, in Trenton, committed deliberate and wicked mischief, going min a garden and digging up a bot of lowers and transplanting them in another lot. The boy was anxious to be sent to the Reform School at Jamesourg, and the Court, on the suspended sentency, sout him there.

A PARFESSIONAL SWINDLER.

At the Yorkville Police Court yesterday J. E. Ireland, who has been described on several occasions in the press of this city as a professional swindler, was arraigned on a charge of false representations preferred against him by Renben H. Plass, of 203 East Twenty-minth street. The facts in this case have already been published in full in the this case have already been phoisised in the in the Herald, and need not recabilitation. Ireland wanted simply to become a partner of Plass by falsely representing himself as being worth \$150,000, when no was hardly worth a cent, and had judgments against him of \$12,000. The case came up for examination yesterday, when considerable testimony was taken on both sides, and it was adjourned until this morning.

THE GRAVE OF STEPHEN A. DOUGLAS TO BE SOLD AT AUCTION.—The Chicago papers announce that the grave of Douglas in that city is to be sold for taxes. It appears in a communication from the City Collector to the Councils that an assessment of \$2,200 for improvements had been made upon the ground wherein reposed all that was mortal of the Little Goult, and that as the couris have given judgment he simil be combelled to proceed.